

EXECUTIVE JOURNAL.

[TENTH SESSION.]

The Tenth Session of the Senate of the United States, began June 8th, 1795.

MONDAY, JUNE 8, 1795.

[CIRCULAR.]

The President of the United States to _____, Senator for the State of _____.

Certain matters, touching the public good, requiring that the Senate shall be convened on Monday, the 8th of June next, you are desired to attend at the Senate Chamber, in Philadelphia, on that day, then and there to receive and deliberate on such communications as shall be made to you on my part.

Go. WASHINGTON.

UNITED STATES, *March 3d, 1795.*

The Senate assembled, agreeable to the above notification.

PRESENT:

John Adams, Vice-President of the United States, and President of the Senate.

From the State of

New Hampshire,	-	{ The Hon. John Langdon, and Samuel Livermore.
Massachusetts,	-	{ The Hon. Caleb Strong, and George Cabot.
Vermont,	-	The Hon. Moses Robinson.
Connecticut,	-	{ The Hon. Oliver Ellsworth, and Jonathan Trumbull.
Rhode Island,	-	{ The Hon. Theodore Foster, and William Bradford.
New York,	-	{ The Hon. Rufus King, and Aaron Burr.
New Jersey,	-	The Hon. John Rutherford.
Pennsylvania,	-	{ The Hon. James Ross, and William Bingham.
Delaware,	-	The Hon. Henry Latimer.
Maryland,	-	The Hon. Richard Potts.
Virginia,	-	{ The Hon. Henry Tazewell, and Stephens Thomson Mason.
Kentucky,	-	{ The Hon. John Brown, and Humphrey Marshall.

North Carolina,
South Carolina,
Georgia,

The Hon. Alexander Martin, and
Timothy Bloodworth.
The Hon. Jacob Read.
The Hon. James Jackson.

On motion,

Ordered, That Mr. Strong and Mr. Langdon be a committee to wait on the President of the United States, and notify him that a quorum of the Senate is assembled, and ready to receive any communications he may be pleased to make.

Mr. Strong reported, from the committee, that they had waited on the President of the United States, and that he informed them he would make some communications to the Senate immediately.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, June 8th, 1795.

Gentlemen of the Senate:

In pursuance of my nomination of John Jay as Envoy Extraordinary to his Britannic Majesty, on the 16th day of April, 1794, and of the advice and consent of the Senate thereto, on the 19th, a negotiation was opened in London. On the 7th of March, 1795, the treaty resulting therefrom was delivered to the Secretary of State. I now transmit to the Senate that treaty, and other documents connected with it. They will, therefore, in their wisdom, decide whether they will advise and consent that the said treaty be made between the United States and his Britannic Majesty.

Go. WASHINGTON.

The message, treaty, and other documents referred to in the message, were in part read.

On motion,

Ordered, That the further reading thereof be postponed.

On motion,

Ordered, That the Senators be under an injunction of secrecy on the communications this day received from the President of the United States, until the further order of the Senate.

On motion,

Ordered, That the Secretary procure, printed under an injunction of secrecy, thirty-one copies only, of the treaty referred to in the message of the President of the United States, of this day, for the use of the Senate.

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, JUNE 9, 1795.

The Honorable Pierce Butler, from the State of South Carolina, and the Honorable Frederick Frelinghuysen, from the State of New Jersey, severally attended.

The Honorable James Gunn, from the State of Georgia, produced his credentials, and, the usual oath being administered, took his seat in the Senate.

On motion,

Ordered, That there be printed two additional copies of the treaty referred to in the message of the President of the United States, of the 8th inst.

The papers referred to in the said message were read.

Ordered, That they lie for consideration.

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, JUNE 10, 1795.

The Senate assembled, present as yesterday; and, after deliberation, Adjourned to 11 o'clock to-morrow morning.

THURSDAY, JUNE 11, 1795.

The Senate assembled—present as yesterday.

The treaty referred to in the message of the 8th instant, was read and considered.

Ordered, That the further consideration thereof be postponed until to-morrow.

The Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, JUNE 12, 1795.

The honorable John Henry, from the State of Maryland, produced his credentials, and the usual oath being administered, he took his seat in the Senate.

The Senate resumed the consideration of the treaty communicated from the President of the United States, in his message of the 8th instant.

A motion was made that the said treaty be published.

And, on motion, it was agreed to modify the motion as follows:

Ordered, That so much of the resolution of the 8th instant as enjoins secrecy upon the Senators with respect to the communications on that day received from the President, be rescinded.

And on the question to agree to the motion thus modified,

A motion was made for, and the yeas and nays were agreed to; and, After deliberation, it was agreed to postpone this question until to-morrow. On motion to adjourn, it passed in the negative.

And, after debate, the further consideration of the treaty above-mentioned was postponed until to-morrow.

The following written messages were received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, June 12, 1795.

Gentlemen of the Senate:

I nominate the following persons to fill the offices annexed to their respective names, some of which have been appointed during the recess of the Senate:

John Kelty, of Maryland, to be Supervisor of the Revenue for the District of Maryland, vice George Gale, resigned.

James Simons, of South Carolina, to be Naval Officer for the port of Charleston, vice Isaac Motte, deceased.

William Simmons, of Pennsylvania, to be Accountant to the Department of War, vice Joseph Howell, resigned.

Pierre Eric Skoldibrand, Junior, to be Consul of the United States for the port of Algiers, and for such other places as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the same allegiance.

Joseph Donaldson, Junior, to be Consul of the United States for the ports of Tripoli and Tunis, and for such other places as shall be nearer to the said

ports than to the residence of any other Consul or Vice-Consul of the United States within the same allegiances.

John Overton, to be Inspector of the Revenue for the District of Tennessee, in the Territory of the United States southwest of the river Ohio.

George Phillips, of Connecticut, to be Collector for the District of Middletown.

Waterman Thomas, of Massachusetts, to be Collector for the District of Waldoborough, and Inspector of the Revenue for the port of Waldoborough.

Thomas Vose, of Massachusetts, to be Surveyor for the port of Thomas-ton, and Inspector of the Revenue for the same.

William Tuck, of Massachusetts, to be Collector for the District of Gloucester, vice Eppes Sargent, resigned.

Henry Malcomb, of New York, to be Collector for the District of Hudson.

Richard Dickinson, of Connecticut, to be Surveyor for the port of Say-brook, and Inspector of the Revenue for the same.

William Adams, of Connecticut, to be Surveyor for the port of Hartford, and Inspector of the Revenue for the same.

Go. WASHINGTON.

UNITED STATES, 12th June, 1795.

Gentlemen of the Senate:

On the twenty-ninth day of December, 1794, the following nominations for promotions were laid before the Senate:

First Sub-Legion.

Bernard Gaines, Captain, 30th June, 1794, vice Kersey, promoted.

Bartholomew Shomberg, Captain, 30th June, 1794, vice Hartshorne, killed.

John Wade, Captain, 1st July, 1794, vice Peters, promoted.

Ross Bird, Captain, 6th July, 1794, vice Jeffers, resigned.

And on the twenty-fifth day of February, 1795, the following:

Ferdinand Leigh Claiborne, Lieutenant, 30th June, 1794, vice Gaines, promoted.

John Breck, Lieutenant, 30th June, 1794, vice Shomberg, promoted.

Edmund Taylor, Lieutenant, 1st July, 1794, vice Wade, promoted.

Elijah Strong, Lieutenant, 6th July, 1794, vice Bird, promoted.

Rezin Webster, Lieutenant, 11th July, 1794, vice Montfort, resigned.

It has since appeared that the resignation of Captain Clay had escaped notice at the War Office, which, rendering the above arrangement incorrect, the issuing of commissions to those officers has been suspended.

To rectify that arrangement, and to fill some vacancies, I now make the following nominations of persons to offices in the Army of the United States:

First Sub-Legion.

Bernard Gaines, Captain, 1st April, 1794, vice Clay, resigned.

Bartholomew Shomberg, Captain, 30th June, 1794, vice Kersey, promoted.

John Wade, Captain, 30th June, 1794, vice Hartshorne, killed.

Ross Bird, Captain, 1st July, 1794, vice Peters, promoted.

Hastings Marks, Captain, 6th July, 1794, vice Jeffers, resigned.

Ferdinand Leigh Claiborne, Lieutenant, 1st April, 1794, vice Gaines, promoted.

John Breck, Lieutenant, 30th June, 1794, vice Shomberg, promoted.

Edmund Taylor, Lieutenant, 30th June, 1794, vice Wade, promoted.

Elijah Strong, Lieutenant, 1st July, 1794, vice Bird, promoted.
Rezin Webster, Lieutenant, 6th July, vice Marks, promoted.

Cavalry.

Paul McDermot, Cornet, vice Torrey, killed, to rank from 1st May, 1795.
James V. Ball, Cornet, vice Posey, promoted, to rank from 1st May, 1795.

Corps of Artillerists and Engineers.

Peter A. Dransy, Lieutenant, vice Hutchins, resigned, to rank from 10th April, 1795.

Second Sub-Legion.

William Marts, Captain, 20th April, 1795, vice Andrews, resigned.

Ensigns.

George Salmon, vice Butler, promoted, to rank from 1st May, 1795.

William Scott, vice Claiborne, promoted, to rank from 1st May, 1795. 1
John Callender, vice Breck, promoted, to rank from 1st May, 1795. 2
Merriwether Lewis, vice McLean, promoted, to rank from 1st May, 1795. 3
Go. WASHINGTON.

Geo. WASHINGTON.

The messages and papers were read.

Ordered, That they lie for consideration.

The Senate adjourned to 11 o'clock to-morrow morning.

SATURDAY, JUNE 13, 1795.

The honorable Elijah Paine, from the State of Vermont, produced his credentials, and the usual oath being administered, he took his seat in the Senate.

The Senate proceeded* to consider the nomination of John Kelty and others, made by the President of the United States, in his message of the 12th instant; and

Resolved, That they advise and consent to the appointments, agreeable to the respective nominations.

The Senate proceeded to consider the *military* nominations contained in the other message of the President of the United States, of the 12th instant; and

Resolved, That they advise and consent to the appointments, agreeable to the respective nominations.

Ordered, That the Secretary lay these resolutions, respectively, before the President of the United States.

The Senate resumed the consideration of the treaty communicated by the President of the United States, with his message of the 8th instant, and the motion yesterday made thereon, to wit:

That so much of the resolution of the 8th instant as enjoins secrecy upon the Senators, with respect to the communications on that day received from the President, be rescinded.

And the question being taken,

It passed in the negative, } Yeas 9,
Nays 20.

Those who voted in the affirmative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Mason, Robinson, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore,

Marshall, Martin, Paine, Potts, Read, Ross, Rutherford, Strong, and Trumbull.

And, after progress in the consideration of the treaty,
The Senate adjourned to 10 o'clock on Monday morning.

MONDAY, JUNE 15, 1795.

The honorable John Vining, from the State of Delaware, attended.

The Senate resumed the consideration of the treaty, communicated by the President of the United States, with his message of the 8th instant, and, after progress,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, JUNE 16, 1795.

The Senate resumed the consideration of the treaty communicated by the President of the United States, with his message of the 8th instant; and,

On motion,

It was agreed to refer the 12th article to the future discussion of the Senate; and, after progress in the consideration of the 13th article,

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, JUNE 17, 1795.

The Senate resumed the consideration of the treaty, communicated with the message of the President of the United States, of the 8th instant, and after discussion on the remaining articles, a motion was made and seconded, that it be

Resolved, (two-thirds of the Senate concurring therein,) "That they do consent to, and advise the President of the United States, to ratify the treaty of Amity, Commerce, and Navigation, between his Britannic Majesty and the United States of America, concluded at London, the 19th day of November, 1794, on condition that there be added to the said treaty an article whereby it shall be agreed to suspend the operation of so much of the 12th article as respects the trade which his said Majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner, and on the terms and conditions therein specified.

"And the Senate recommend to the President, to proceed without delay, to further friendly negotiations with his Majesty, on the subject of the said trade, and of the terms and conditions in question."

On motion,

It was agreed, that this motion lie for consideration, until to-morrow.

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JUNE 18, 1795.

The Senate assembled; and, on motion to adjourn until Monday next,

Those who voted in the affirmative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Rutherford, Strong, Trumbull, and Vining.

Whereupon the discussion of the 12th article of the treaty was renewed; and, after debate,

The Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, JUNE 19, 1795.

The Senate assembled.

On motion,

Resolved, That the President of the United States be requested to cause to be laid before the Senate the reports of John Jay while in the office of Foreign Affairs, the correspondence between the Commander in Chief of the American Army with Sir Guy Carleton, on the subject of the 7th article of the treaty of Peace with Great Britain, and also Mitchel's map of North America.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate adjourned to 11 o'clock to-morrow morning.

SATURDAY, JUNE 20, 1795.

The Senate resumed the consideration of the motion, made on the 17th, respecting the 12th article of the treaty communicated with the message of the President of the United States, of the 8th instant.

The Vice-President laid before the Senate a letter from the Secretary of the Department of State, by order of the President of the United States, with the following documents requested yesterday.

Three volumes of the reports of Mr. Jay while Secretary of Foreign Affairs.

A printed copy of the official papers laid before Congress by the message of 5th December, 1793, and a translation of Mitchel's map of the United States.

The Senate adjourned to 11 o'clock on Monday morning.

MONDAY, JUNE 22, 1795.

The Vice-President laid before the Senate a letter from the Secretary for the Department of State, with a "list of the negroes, to which the correspondence between the Commander in Chief of the American Army and Sir Guy Carleton relates;" which was read, and, with the document referred to, ordered to lie on the table.

The Senate resumed the consideration of the motion, made on the 17th instant, on the 12th article of the treaty communicated with the message of the President of the United States, of the 8th instant, and a motion was made by Mr. Burr to postpone this motion, and to agree to the following resolution:

"That the further consideration of the treaty concluded at London, the 19th of November, 1794, be postponed, and that it be recommended to the President of the United States, to proceed without delay to further friendly negotiations with his Britannic Majesty, in order to effect alterations in the said treaty, in the following particulars:

“ That the 9th 10th, and 24th articles, and so much of the 25th as relates to the shelter or refuge to be given to the armed vessels of States or Sovereigns at war with either party, be expunged.

“ 2d art. That no privilege or right be allowed to the settlers or traders mentioned in the 2d article, other than those which are secured to them by the treaty of 1783, and existing laws.

“ 3d art. That the third article be expunged, or be so modified that the citizens of the United States may have the use of *all* rivers, ports and places within the territories of His Britannic Majesty in North America, in the same manner as his subjects may have of those of the United States.

“ 6th art. That the value of the negroes and other property carried away, contrary to the 7th article of the treaty of 1783, *and the loss and damage sustained by the United States by the detention of the posts*, be paid for by the British government; the amount to be ascertained by the Commissioners who may be appointed to liquidate the claims of the British creditors.

“ 12th art. That what relates to the West India trade, and the provisos and conditions thereof, in the 12th article, be expunged, or be rendered much more favorable to the United States, and without any restraint on the exportation, in vessels of the United States, of any articles, not the growth, produce, or manufacture of the said islands of his Britannic Majesty.

"15th art. That no clause be admitted which may restrain the United States from reciprocating benefits by discriminating between foreign nations in their commercial arrangements, or prevent them from increasing the tonnage or other duties on British vessels, on terms of reciprocity, or in a stipulated ratio.

"21st art. That the subjects or citizens of either party, be not restrained from accepting commissions in the army or navy of any foreign power."

And, after debate,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, JUNE 23, 1795.

The Senate resumed the consideration of the 22d, for the postponement of the motion of the 17th instant, on the 12th article of the treaty communicated with the message of the President of the United States, of the 8th instant. And, after debate, the yeas and nays being required by one-fifth of the Senators present,

It passed in the negative, { Ycas, 10,
Nays, 20.

Those who voted in the affirmative, are—Messrs. Bloodworth, Brown, Burr, Bulter, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, JUNE 24, 1795.

The Senate resumed the consideration of the motion made on the 17th instant, respecting the 12th article of the treaty communicated with the message of the President of the United States, of the 8th instant; and

A motion was made by Mr. Read, seconded by Mr. Butler, to amend the motion after the word "specified," as follows:

"And also for obtaining adequate compensation for the negroes, or other property of the American inhabitants, carried off from the United States, in violation of the definitive treaty of peace and friendship, between his said Majesty and the United States, signed at Paris, the 3d day of Sept. 1783."

And, after deliberation, it was agreed that the honorable mover have leave to withdraw the motion, in order to introduce a motion drawn up with more consideration on the same subject. Whereupon,

The motion was renewed by Mr. Brown, seconded by Mr. Jackson; and, on the question to agree thereto,

It passed in the negative, { Yeas, 12,
Nays, 15.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Read, Robinson, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Livermore, Paine, Potts, Ross, Rutherford, Strong, and Trumbull.

A motion was made to postpone the motion before the Senate, for the purpose of taking into consideration the following motion, to wit:

“That the President of the United States be informed that the Senate will not consent to the ratification of the treaty of amity, commerce, and navigation, between the United States and his Britannic Majesty, concluded at London on the 19th November, 1794, for the reasons following:

"1st. Because so much of the treaty as was intended to terminate the complaints flowing from the inexecution of the treaty of 1783, contains stipulations that were not rightfully or justly requirable of the United States, and which are both impolitic and injurious to their interests; and because the treaty hath not secured that satisfaction from the British government, for the removal of negroes in violation of the treaty of 1783, to which the citizens of the United States were justly entitled.

"2d. Because the rights of individual States, are, by the ninth article of the treaty, unconstitutionally invaded.

“ 3d. Because, however impolitic or unjust it may generally be to exercise the power prohibited by the tenth article, yet it rests on legislative discretion, and ought not to be prohibited by treaty.

"4th. Because so much of the treaty as relates to commercial arrangements between the parties, wants that reciprocity upon which alone such like arrangements ought to be founded, and will operate ruinously to the American commerce and navigation.

"5th. Because the treaty prevents the United States from the exercise of that control over their commerce and navigation, as connected with other nations, which might better the condition of their intercourse with friendly nations.

"6th. Because the treaty asserts a power in the President and Senate, to control, and even annihilate the constitutional right of the Congress of the United States over their commercial intercourse with foreign nations.

“ 7th. Because, if the construction of this treaty should not produce an infraction of the treaties now subsisting between the United States and their allies, it is calculated to excite sensations which may not operate beneficially to the United States.

“ Notwithstanding the Senate will not consent to the ratification of this treaty, they advise the President of the United States to continue his endeavors, by friendly discussion with his Britannic Majesty, to adjust all the real causes of complaint between the two nations.” Whereupon,

On motion, it was agreed to divide this last motion as follows, to wit:

“ That the motion of the 17th, now before the Senate, be postponed;” and

It passed in the negative, { Yeas 10,
{ Nays 19.

The yeas and nays being required by one-fifth of the Senators present,
Those who voted in the affirmative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Whereupon, a motion was made to divide the original motion, made on the 17th instant, and now before the Senate, so as to adopt the first paragraph thereof, ending with the word “ specified;” and

It passed in the affirmative, { Yeas 20,
{ Nays 10.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bingham, Bradford, Cabott, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

On motion to adopt the last paragraph of the said original motion,

It passed in the affirmative.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bingham, Bloodworth, Bradford, Brown, Burr, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, King, Langdon, Latimer, Livermore, Marshall, Martin, Mason, Paine, Potts, Read, Robinson, Ross, Rutherford, Strong, Tazewell, Trumbull, and Vining.

So this paragraph was unanimously agreed to; and it was

Resolved, (two-thirds of the Senate concurring therein,) That they do consent to, and advise the President of the United States, to ratify the treaty of amity, commerce, and navigation, between his Britannic Majesty and the United States of America, concluded at London, the 19th day of November, 1794, on condition that there be added to the said treaty an article, whereby it shall be agreed to suspend the operation of so much of the 12th article, as respects the trade which his said Majesty thereby consents may be carried on, between the United States and his islands in the West Indies, in the manner, and on the terms and conditions therein specified.

And the Senate recommend to the President to proceed, without delay, to further friendly negotiations with his Majesty, on the subject of the said trade, and of the terms and conditions in question,

Ordered, That the Secretary lay this resolution before the President of the United States.

A motion was made by Mr. Gunn, seconded by Mr. Read, as follows:

Whereas it is alleged by divers American citizens, that negroes, and other property, to a considerable amount, were carried away in contravention of the 7th article of the treaty of peace between the United States and his Britannic Majesty:

Resolved, That the Senate recommend to the President of the United States, to renew, by friendly negotiation with his said Majesty, the claims of the American citizens, to compensation for the negroes and other property, so alleged to have been carried away; and in case the disagreement that has hitherto existed, relative to the construction in this behalf of the said article, cannot be removed by candid and amicable discussions, that it be proposed, as a measure calculated to cherish and confirm the good understanding and friendship which it is desired may prevail between the two countries, that Commissioners be appointed, in the manner directed by the 6th article of the treaty of amity, commerce, and navigation, lately concluded between the United States and his said Majesty, with authority to ascertain and decide, as well the interpretation of the said 7th article in this respect, as likewise the amount of the losses sustained by the alleged violation of the same.

But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's islands in the West Indies.

And, after debate, it was agreed that this motion lie until to-morrow for consideration.

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JUNE 25, 1795.

The motion made by Mr. Gunn, as last recited, and yesterday referred to this day for consideration, was resumed.

On motion to divide this motion, and to agree to all that is contained from the word "*whereas*," to the word "*same*," at the end of the first paragraph of the resolution inclusive,

It passed in the affirmative, { Yeas, 27,
Nay, 1.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bingham, Bloodworth, Bradford, Brown, Burr, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Jackson, King, Langdon, Latimer, Livermore, Marshall, Martin, Paine, Potts, Read, Robinson, Ross, Rutherford, Strong, Trumbull, and Vining.

Mr. Tazewell voted in the negative.

A motion was made by Mr. Jackson, to amend the *last* paragraph of the motion under the consideration of the Senate, to wit;

“But the Senate are of opinion that the negotiation on this subject should be distinct from and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty’s islands, in the West Indies,” to be read as follows:

"And the Senate are of opinion that the negotiation on this subject, be considered as part of the negotiation recommended by their act of the 24th inst.,

respecting the trade and intercourse between the United States and his said Majesty's islands in the West Indies."

Whereupon, an amendment, after division of a motion was objected to as not being in order, and on appeal to the President, it was by him determined in the affirmative; and,

On the question to agree to the amendment proposed,

It passed in the negative, { Yeas, 11,
Nays, 17.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

On the question to agree to the last clause of the original motion, to wit:

But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's islands in the West Indies;

The yeas and nays were required by one-fifth of the Senators present.

Those who voted in the affirmative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Those who voted in negative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

Yeas 18—Nays 11.

So the question was lost, there not being two-thirds of the Senators present in the affirmative.

On motion by Mr. Butler, seconded by Mr. Frelinghuysen, to reconsider
this last question,

The yeas and nays were required, by one-fifth of the Senators present.

Those who voted in the affirmative, are—Messrs. Bingham, Bradford, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Brown, Burr, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

Yeas 19—Nays 10.

So the question of reconsideration was lost, there not being two-thirds of the Senators present in the affirmative.

On motion by Mr. Rutherford, for the question on the resolution as amended, to wit:

Whereas, it is alleged by divers American citizens, that negroes and other property, to a considerable amount, were carried away in contravention of the 7th article of the treaty of peace between the United States and his Britannic Majesty:

Resolved, That the Senate recommend to the President of the United States to renew by friendly negotiation with his said Majesty, the claims of the American citizens to compensation for the negroes and other property so alleged to have been carried away; and in case the disagreement, that has hitherto existed relative to the construction in this behalf of the said article,

cannot be removed by candid and amicable discussions, that it be proposed, as a measure calculated to cherish and confirm the good understanding and friendship which it is desired may prevail between the two countries, that Commissioners be appointed in the manner directed by the 6th article of the treaty of amity, commerce, and navigation, lately concluded between the United States and his said Majesty, with authority to ascertain and decide, as well the interpretation of the said 7th article, in this respect, as likewise the amount of the losses sustained by the alleged violation of the same.

It passed in the negative, { Yeas, 14,
Nays, 15.

The yeas and nays being required by one-fifth of the Senators present, Those who voted in the affirmative, are—Messrs. Bloodworth, Brown, Butler, Burr, Gunn, Jackson, Langdon, Marshall, Martin, Mason, Paine, Read, Robinson, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, King, Latimer, Livermore, Potts, Ross, Rutherford, Strong, Trumbull, and Vining.

The following written messages were received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, June 25th, 1795.

Gentlemen of the Senate:

It has been represented by our Minister Plenipotentiary, near the French Republic, that such of our commercial relations with France as may require the support of the United States, in *detail*, cannot be well executed without a Consul General. Of this I am satisfied, when I consider the extent of the mercantile claims now depending before the French government; the necessity of bringing into the hands of one agent the various applications to the several Committees of Administration, residing at Paris; the attention which must be paid to the conduct of Consuls and Vice-Consuls; and the nature of the services which are the peculiar objects of a Minister's care, and leave no leisure for his intervention in business to which consular functions are competent. I therefore nominate

Fulwar Skipwith, to be Consul General of the United States, in France.

I also nominate John Kelty, of Maryland, to be Inspector of the Revenue for Survey No. 1, in the District of Maryland.

William Nichols, of Pennsylvania, to be Marshal of and for the Pennsylvania District, vice David Lenox, resigned.

John Davis, of Plymouth, in Massachusetts, to be Comptroller of the Treasury of the United States, vice Jonathan Jackson declined.

John Stockton, to be Commissioner of Loans for the State of Delaware, vice James Tilton resigned.

Dudly Atkins Tyng, of Massachusetts, to be Collector for the District of Newburyport, vice Edward Wigglesworth, superseded; and

George Forster, to be Collector for the District of Sunbury, in the State of Georgia, vice James James, who was appointed by the name of John James, in February last, and who has declined.

Go. WASHINGTON.

UNITED STATES, June 25th, 1795.

Gentlemen of the Senate:

Just at the close of the last session of Congress, I received from one of the Senators and one of the Representatives of the State of Georgia, an ap-

plication for a treaty to be held with the tribes or nations of Indians claiming the right of soil to certain lands lying beyond the present temporary boundary line of that State, and which were described in an act of the Legislature of Georgia, passed on the 28th of December last, which has already been laid before the Senate. This application, and the subsequent correspondence with the Governor of Georgia, are herewith transmitted. The subject being very important, I thought proper to postpone a decision upon that application. The views I have since taken of the matter, with the information received of a more pacific disposition on the part of the Creeks, have induced me now to accede to the request: but with this explicit declaration; That neither my assent, nor the treaty which may be made, shall be considered as affecting any question which may arise upon the supplementary act passed by the Legislature of the State of Georgia, on the 7th of January last, upon which inquiries have been instituted, in pursuance of a resolution of the Senate and House of Representatives; and that any cession or relinquishment of the Indian claims shall be made in the general terms of the treaty of New York, which are contemplated as the form proper to be generally used on such occasions; and on the condition that one half of the expense of the supplies of provisions for the Indians assembled at the treaty, be borne by the State of Georgia.

Having concluded to hold the treaty requested by that State, I was willing to embrace the opportunity it would present, of inquiring into the causes of the dissatisfaction of the Creeks which has been manifested, since the treaty of New York, by their numerous and distressing depredations on our south-western frontiers. Their depredations on the Cumberland have been so frequent, and so peculiarly destructive, as to lead me to think they must originate in some claim to the lands upon that river. But whatever may have been the cause, it is important to trace it to its source; for, independent of the destruction of lives and property, it occasions a very serious annual expense to the United States. The Commissioners for holding the proposed treaty, will, therefore, be instructed to inquire into the causes of the hostilities to which I have referred, and to enter into such reasonable stipulations as will remove them, and give permanent peace to those parts of the United States.

I now nominate Benjamin Hawkins, of North Carolina, George Clymer, of Pennsylvania, and Andrew Pickens, of South Carolina, to be commissioners to hold a treaty with the Creek nation of Indians, for the purposes herein before expressed.

Go. WASHINGTON.

The messages and papers therein referred to, were severally read
Ordered, That they lie until to-morrow for consideration.

A motion was made by Mr. Burr, seconded by Mr. Livermore;

“That the resolution of the 8th instant, enjoining secrecy upon the Senators, with regard to the communications on that day made by the President, be rescinded; but that it be nevertheless enjoined upon the Senators not to authorize or allow any publication in print, of the said communication, or any article thereof.”

Whereupon, a motion was made by Mr. Ellsworth, to postpone the motion before the Senate, in order to introduce the following motion:

That, until the treaty yesterday before the Senate shall be ratified, it should be left solely to the discretion of the President of the United States, what publication, if any, shall be made of the same;” and

It passed in the negative.

A motion was made to amend the original motion, by striking out all that succeeds the word "rescinded;" and

It passed in the negative.

And on the question to agree to the original motion,

It passed in the affirmative.

On motion by Mr. King, seconded by Mr. Cabot, to reconsider the motion last adopted,

It passed in the affirmative.

Whereupon,

Ordered, That the Secretary forthwith notify the absent Senators of the above vote of reconsideration.

The Senate adjourned to 10 o'clock to-morrow morning.

FRIDAY, JUNE 26, 1795.

The Senate proceeded to the consideration of the message of the President of the United States, of the 25th instant, and the nominations therein contained, of Fulwar Skipwith and others; and

Resolved, That the Senate advise and consent to the appointments, agreeable to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. Livermore, seconded by Mr. Butler, that it be

Resolved, That the injunction of secrecy concerning the communications made by the President of the United States, on the 8th of June, instant, be rescinded;

A motion was made by Mr. Read, seconded by Mr. Foster, to postpone this motion; and

It passed in the negative.

On motion by Mr. Reid, to amend the original motion by adding these words:

“But that it be nevertheless enjoined upon the Senators not to authorize or allow any copy of the said communication, or of any article thereof.”

It passed in the affirmative, { Yeas, 14,
Nays, 12.

The yeas and nays being required by one-fifth of the Senators present,
Those who voted in the affirmative, are—Messrs. Bingham, Bradford, Ca-
bot, Ellsworth, Foster, Gunn, King, Latimer, Marshall, Potts, Read, Ross,
Strong, and Trumbull.

Those who voted in the negative, are—Messrs. Bloodworth, Brown, Burr,
Butler, Jackson, Langdon, Martin, Livermore, Mason, Paine, Robinson,
and Tazewell.

And, on the question to agree to the motion as amended,

It passed in the affirmative, { Yeas, 18,
Nays, 9.

The yeas and nays being required by one-fifth of the Senators present,
Those who voted in the affirmative, are—Messrs. Bingham, Bloodworth,
Bradford, Brown, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Liver-
more, Marshall, Paine, Potts, Read, Ross, Strong, and Trumbull.

Those who voted in the negative, are—Messrs. Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, Rutherford, and Tazewell.

So it was

Resolved, That the injunction of secrecy concerning the communications made by the President of the United States, on the 8th of June, instant, be rescinded; but that it be, nevertheless, enjoined upon the Senators not to authorize or allow any copy of the said communication, or of any article thereof.

The Senate proceeded to the consideration of the message of the President of the United States, of the 25th instant, and the nominations therein contained, of Benjamin Hawkins, and others; and

Resolved, unanimously, That the Senate do advise and consent to the appointments, agreeable to the nominations, respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion,

Ordered, That Mr. Cabot and Mr. Brown, wait on the President of the United States, and acquaint him that the Senate have finished the business before them, and are ready to adjourn, unless he may have any further communications to make.

Mr. Cabot reported that the President of the United States had no further communications to make to the Senate, than his hearty wishes that, in a speedy meeting with their friends, they may enjoy every felicity.

On motion,

Ordered, That there be paid by the Secretary of the Senate, out of the moneys appropriated for the contingent expenses of the Senate, to James Mathers, Doorkeeper, three dollars per day, and to Cornelius Maxwell, Assistant Doorkeeper, two dollars a day, as compensation for their respective attendance during this special session of the Senate, over and above their stated allowance.

On motion,

The Senate adjourned without day.

Attest:

SAM: A. OTIS, *Secretary.*

END OF THE TENTH SESSION.